

REMARKS

Applicants respectfully request further examination and reconsideration in view of the instant response. Claims 1-28 remain pending in the case. Claims 1-28 are rejected. Claims 23, 24, 26 and 27 are amended. No new matter has been added.

35 U.S.C. §101

Claims 23-28 are rejected under 35 U.S.C. §101 as because it is asserted that the claimed invention is directed toward non-statutory subject matter. Claims 23, 24, 26 and 27 are amended herein. Applicants respectfully submit that Claims 23, 24, 26 and 27 overcome the rejection under 35 U.S.C. §101 and are directed toward statutory subject matter. Moreover, Applicants respectfully submit that Claims 25 and 28 which depend from Claim 23 also overcome the rejection under 35 U.S.C. §101.

35 U.S.C. §103(a) - Claims 1-3, 6, 7, 9 and 10

Claims 1-3, 6, 7, 9 and 10 are rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,751,623 ("Basso") in view of U.S. Patent No. 6,593,936 ("Huang"). Applicants have reviewed the cited references and respectfully submit that the embodiments of the present invention as recited in Claims 1-3, 6, 7, 9 and 10 are patentable over Basso in view of Huang for at least the following rationale.

Applicants respectfully direct the Examiner to independent Claim 1 that recites that an embodiment of the present invention is directed to (emphasis added):

A method for dynamically updating descriptions of audio-visual content information, said method comprising:
issuing a command indicating the type of update of at least one node of a structure of a description, wherein nodes of said structure comprise said descriptions of portion of said audio-visual content information;
specifying the location of a node in said description to perform said update, wherein said description is compliant with the MPEG-7 standard; and
updating said description using Data Description Language (DDL).

Claims 2, 3, 6, 7, 9 and 10 that depend from independent Claim 1 also recite these features.

Applicants note that the Examiner acknowledges that Basso does not teach, describe or suggest “updating said description using Data Description Language (DDL)” (emphasis added) as claimed (see Office Action mailed June 29, 2006, page 3). Examiner relies on Huang for providing such a teaching. However, Applicants respectfully submit that Huang does not teach, describe or suggest these limitations.

Applicants understand Huang to teach a synthetic audiovisual description scheme for MPEG-7 for allowing users to search and retrieve such content (Abstract; col. 3, lines 29-34). Huang “provides a system and method that

describes information in such a way that characteristics of synthetic audiovisual information are more easily searched, located and presented" (col. 3, lines 48-51). In particular, Applicants respectfully submit that Huang does not teach, describe or suggest "updating said description using Data Description Language (DDL)" (emphasis added) as claimed.

Examiner cites to col. 7, lines 22-41, of Huang as providing such a teaching. Applicants have reviewed the cited passage and respectfully submit that it does not teach, describe or suggest the claimed embodiments. Applicants understand Huang to teach that a description scheme (DS) "can be generated using an DDL" (emphasis added; col. 7, line 22). However, Applicants respectfully submit that Huang does not teach, describe or suggest updating a DS. In contrast, Huang teaches a system and method for easy search, browsing and retrieval of synthetic audiovisual content (col. 3, lines 59-60).

With reference to Figure 1 of Huang, "synthetic audiovisual content description generator 130 uses synthetic audiovisual content DS provided by synthetic audiovisual DS unit 140 to provide synthetic audiovisual content description 150 to a search engine 160" (col. 8, lines 45-49). Search engine 160 provides search results in response to a content query (col. 8, lines 53-55). With reference to Figure 9, DS 965 is used to perform feature extraction and representation by descriptors and description generation (col. 13, lines 18-20). In particular, Applicants respectfully submit that Huang discloses searching of a

static DS, and does not teach, describe or suggest the updating of a DS.

Therefore, Applicants respectfully submit that Huang does not teach, describe or suggest “updating said description using Data Description Language (DDL)” (emphasis added) as claimed.

Furthermore, Applicants respectfully assert that the combination of Basso and Huang to teach or suggest the present invention as claimed because the combination of Basso and Huang does not satisfy the requirements of a *prima facie* case of obviousness. In order to establish a *prima facie* case of obviousness, the prior art must suggest the desirability of the claimed invention (MPEP 2142). In particular, “if the proposed modification or combination of the prior art would change the principle of operation of the prior art invention being modified, then the teachings of the references are not sufficient to render the claims *prima facie* obvious” (emphasis added) (MPEP 2143.01; *In re Ratti*, 270 F.2d 810, 123 USPQ 349 (CCPA 1959)). Moreover, “[i]f the proposed modification would render the prior art invention being modified unsatisfactory for its intended purpose, then there is no suggestion or motivation to make the proposed amendment” (emphasis added) (MPEP 2143.01; *In re Gordon*, 733 F.2d 900, 221 USPQ 1125 (Fed. Cir. 1984)).

Applicants understand Basso to teach enhanced audiovisual coding and storage techniques related to the MPEG-4 format. In particular, the principle of operation of Basso is to provide such enhancement using MPEG-4 compatible

frameworks and structures. For instance, Basso specifically discloses the use of F-IIF, IIF, and VRML, all of which are for use in the MPEG-4 format.

Applicants respectfully assert that Basso does not teach, describe or suggest how to implement the MPEG-4 based techniques using MPEG-7. In particular, Basso does not describe, teach or suggest that F-IIF, IIF or VRML are supported by or compatible with the MPEG-7 standard. Applicants respectfully submit that it is not sufficient for the Basso reference to simply state the possible similarity of the “forthcoming MPEG-7” video standard for purposes of teaching the modifications of the MPEG-4 based techniques for compliancy with the MPEG-7 standard.

In contrast, Huang teaches the generation of a description scheme DS using a DDL in MPEG-7. Applicants respectfully assert that modifying Basso to include the use of DDL in MPEG-7 as taught in Huang would render Basso inoperable for its intended purpose. Neither Basso nor Huang teach, describe or suggest that MPEG-4 and MPEG-7 are equivalent and freely interchangeable, as suggested by the Examiner. Applicants respectfully submit that MPEG-4 and MPEG-7 are not analogous art, as asserted by the Examiner.

In contrast, Basso teaches the use of MPEG-4 compatible frameworks and structures such as F-IIF, IIF, and VRML, while Huang teaches the use of MPEG-7 based DDL. Neither Basso nor Huang teach, describe or suggest that

these frameworks are interchangeable. More particularly, neither Basso nor Huang teach, describe or suggest how MPEG-4 and MPEG-7 are interchangeable. Furthermore, Huang describes various deficiencies of VRML as implemented in MPEG-4 (Huang, col. 3, lines 8-15).

Applicants respectfully assert that modifying Basso to support the use of MPEG-7 data, as suggested by the Examiner, would change the principle of operation of Basso. In particular, such a modification would render Basso inoperable, as there is no suggestion that DDL is compliant for use with MPEG-4. Therefore, Applicants respectfully assert that there is no suggestion to combine the teachings of Basso and Huang as suggested by the Examiner, as the teaching of Basso teaches away from the combination with Huang.

Therefore, Applicants respectfully assert that nowhere does the combination of Basso and Huang teach, disclose or suggest the claimed embodiments of the present invention as recited in independent Claim 1, that this claim overcomes the rejection under 35 U.S.C. § 103(a), and is thus in a condition for allowance. Applicants respectfully submit that the combination of Basso and Huang also does not teach or suggest the additional claimed features of the present invention as recited in Claims 2, 3, 6, 7, 9 and 10 that depend from independent Claim 1. Therefore, Applicants respectfully submit that Claims 2, 3, 6, 7, 9 and 10 also overcome the rejection under 35 U.S.C. § 103(a), and are in a condition for allowance as being dependent on an allowable base claim.

35 U.S.C. §103(a) - Claims 11-28

Claims 11-28 are rejected under 35 U.S.C. §103(a) as being unpatentable over Huang in view of Basso. Applicants have reviewed the cited references and respectfully submit that the embodiments of the present invention as recited in Claims 11-28 are patentable over Basso in view of Huang for at least the following rationale.

Applicants respectfully direct the Examiner to independent Claim 11 that recites that an embodiment of the present invention is directed to (emphasis added):

In a system comprising a first computer system and a second computer system coupled to said first computer system via a communication link and having stored thereon a description of audio-visual content that is formatted compliant with the MPEG-7 standard, a method for dynamically updating said description, said method comprising:

said first computer system instructing said second computer system to perform a specified update of at least one node of a structure of said description, wherein nodes of said structure comprise said descriptions of portion of said audio-visual content information;

said first computer system sending a location of a node in said description for said update to said second computer system; and

said second computer system updating said description using Data Description Language (DDL).

Independent Claim 23 recites similar limitations. Claims 12-22 that depend from independent Claim 11 and Claims 24-28 that depend from independent Claim 23 also recite these features.

As described above, Huang is very different from the claimed embodiments. Applicants respectfully submit that Huang does not teach, describe or suggest “said first computer system instructing said second computer system to perform a specified update of at least one node of a structure of said description” and “said second computer system updating said description using Data Description Language (DDL)” (emphasis added) as claimed.

Applicants understand Huang to teach a synthetic audiovisual description scheme for MPEG-7 for allowing users to search and retrieve such content (Abstract; col. 3, lines 29-34). Huang “provides a system and method that describes information in such a way that characteristics of synthetic audiovisual information are more easily searched, located and presented” (col. 3, lines 48-51). In particular, Applicants respectfully submit that Huang does not teach, describe or suggest updating characteristics of synthetic audiovisual information. In contrast, Huang teaches a system and method for easy search, browsing and retrieval of synthetic audiovisual content (col. 3, lines 59-60).

With reference to Figure 9 of Huang, a system for generation and use of synthetic audiovisual content descriptions is shown. “[C]lient terminal 940 may include a query interface and search tools 950 and a synthetic audiovisual content browser 970” (col. 13, lines 8-10). Huang teaches that client terminal 940 is used for allowing a user to search synthetic audiovisual data on server

900 (col. 13, lines 28-33). In particular, Applicants respectfully submit that Huang does not teach, describe or suggest that a user can update the synthetic audiovisual data. Moreover, Applicants understand that DS 965 is used to perform feature extraction and representation by descriptors and description generation (col. 13, lines 18-20). In particular, Applicants respectfully submit that Huang discloses searching of a static DS, and does not teach, describe or suggest the updating of a DS. Therefore, Applicants respectfully submit that Huang does not teach, describe or suggest ““said first computer system instructing said second computer system to perform a specified update of at least one node of a structure of said description” and “said second computer system updating said description using Data Description Language (DDL)” (emphasis added) as claimed.

Furthermore, Applicants respectfully assert that the combination of Huang and Basso to teach or suggest the present invention as claimed because the combination of Huang and Basso does not satisfy the requirements of a *prima facie* case of obviousness. In order to establish a *prima facie* case of obviousness, the prior art must suggest the desirability of the claimed invention (MPEP 2142). Applicants respectfully assert that there is no suggestion to combine the teachings of Huang and Basso. As described above, Applicants understand Basso to teach enhanced audiovisual coding and storage techniques related to the MPEG-4 format. In particular, the principle of operation of Basso is to provide such enhancement using MPEG-4 compatible frameworks and

structures. For instance, Basso specifically discloses the use of F-IIF, IIF, and VRML, all of which are for use in the MPEG-4 format.

Applicants respectfully assert that Basso does not teach, describe or suggest how to implement the MPEG-4 based techniques using MPEG-7. In particular, Basso does not describe, teach or suggest that F-IIF, IIF or VRML are supported by or compatible with the MPEG-7 standard. Applicants respectfully submit that it is not sufficient for the Basso reference to simply state the possible similarity of the “forthcoming MPEG-7” video standard for purposes of teaching the modifications of the MPEG-4 based techniques for compliancy with the MPEG-7 standard.

In contrast, Huang teaches the generation of a description scheme DS using a DDL in MPEG-7. Neither Basso nor Huang teach, describe or suggest that MPEG-4 and MPEG-7 are equivalent and freely interchangeable, as suggested by the Examiner. Applicants respectfully submit that MPEG-4 and MPEG-7 are not analogous art, as asserted by the Examiner.

In particular, Basso teaches the use of MPEG-4 compatible frameworks and structures such as F-IIF, IIF, and VRML, while Huang teaches the use of MPEG-7 based DDL. Neither Basso nor Huang teach, describe or suggest that these frameworks are interchangeable. More particularly, neither Basso nor Huang teach, describe or suggest how MPEG-4 and MPEG-7 are

interchangeable. Furthermore, Huang describes various deficiencies of VRML as implemented in MPEG-4 (Huang, col. 3, lines 8-15).

Applicants respectfully assert that modifying Huang to support the use of frameworks and structures implemented in MPEG-4, as suggested by the Examiner, would change the principle of operation of Huang. Moreover, Applicants respectfully submit that there is no teaching in Basso that the frameworks and structures implemented in MPEG-4 would function properly in PEG-7. Therefore, Applicants respectfully assert that there is no suggestion to combine the teachings of Huang and Basso as suggested by the Examiner, as the teaching of Huang teaches away from the combination with Basso.

Applicants respectfully assert that nowhere does the combination of Huang and Basso teach, disclose or suggest the present invention as recited in amended independent Claims 11 and 23, that these claims overcome the rejection under 35 U.S.C. § 103(a), and that these claims are thus in condition for allowance. Therefore, Applicants respectfully submit that the combination of Huang and Basso also does not teach or suggest the additional claimed features of the present invention as recited in Claims 12-22 that are dependent on allowable base Claim 11 and Claims 24-28 that are dependent on allowable base Claim 23. Applicants respectfully submit that Claims 12-22 and 24-28 overcome the rejection under 35 U.S.C. § 103(a) as these claims are dependent on allowable base claims.

35 U.S.C. §103(a) – Claims 4, 5 and 8

Claims 4, 5 and 8 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Basso in view of Huang, further in view of ISO/IEC MPEG 00/N3575 ("ISO/IEC"). Claims 4, 5 and 8 depend from independent Claim 1. Applicants have reviewed the cited references and respectfully submit that the embodiments as recited in Claims 4, 5 and 8 are patentable over Basso in view of Huang, further in view of ISO/IEC for at least the following rationale.

Applicants note that the Examiner acknowledges that Basso does not teach, describe or suggest "updating said description using Data Description Language (DDL)" (emphasis added) as recited in Claim 1 (see Office Action mailed June 29, 2006, page 3). Examiner relies on Huang for providing such a teaching. However, as described above in the remarks discussing the rejection of Claims 1-3, 6, 7, 9 and 10 under 35 U.S.C. § 103(a), Applicants respectfully submit that Huang does not teach, describe or suggest these limitations.

Applicants understand Huang to teach a synthetic audiovisual description scheme for MPEG-7 for allowing users to search and retrieve such content (Abstract; col. 3, lines 29-34). In particular, Applicants respectfully submit that Huang does not teach, describe or suggest "updating said description using Data Description Language (DDL)" (emphasis added) as claimed. In contrast, Huang

teaches a system and method for easy search, browsing and retrieval of synthetic audiovisual content (col. 3, lines 59-60).

Considering ISO/IEC, the combination of Basso, Huang and ISO/IEC fails to teach or suggest the claimed embodiments because ISO/IEC does not overcome the shortcomings of Basso and Huang. Applicants respectfully assert that the combination of Basso and ISO/IEC fails to teach or suggest the present invention as claimed because the combination of Basso and ISO/IEC does not satisfy the requirements of a *prima facie* case of obviousness. In particular, Applicants respectfully submit that there is no suggestion to combine Basso and ISO/IEC, as required in order to establish a *prima facie* case of obviousness.

As described above, Applicants understand Basso to teach enhanced audiovisual coding and storage techniques related to the MPEG-4 format. In particular, the principle of operation of Basso is to provide such enhancement using MPEG-4 compatible frameworks and structures. For instance, Basso teaches the use of F-IIF, IIF, and VRML, all of which are for use in the MPEG-4 format.

Applicants respectfully assert that Basso does not teach, describe or suggest how to implement the MPEG-4 based techniques using MPEG-7. In particular, Basso does not describe, teach or suggest that F-IIF, IIF or VRML are supported by or compatible with the MPEG-7 standard. Applicants respectfully

submit that it is not sufficient for the Basso reference to simply state the possible similarity of the “forthcoming MPEG-7” video standard for purposes of teaching the modifications of the MPEG-4 based techniques for compliancy with the MPEG-7 standard, as claimed.

In contrast, ISO/IEC teaches the use of DDL in MPEG-7. Applicants respectfully assert that modifying Basso to include the use of DDL in MPEG-7 as taught in ISO/IEC would render Basso inoperable for its intended purpose. Neither Basso nor ISO/IEC teach, describe or suggest that MPEG-4 and MPEG-7 are equivalent and freely interchangeable, as suggested by the Examiner. In contrast, Basso teaches the use of MPEG-4 compatible frameworks and structures such as F-IIF, IIF, and VRML, while ISO/IEC teaches the use of MPEG-7 based DDL. Neither Basso nor ISO/IEC teach, describe or suggest that these frameworks are interchangeable. More particularly, neither Basso nor ISO/IEC teach, describe or suggest how MPEG-4 and MPEG-7 are interchangeable.

Applicants respectfully assert that modifying Basso to support the use of MPEG-7 data, as suggested by the Examiner, would change the principle of operation of Basso. In particular, such a modification would render Basso inoperable, as there is no suggestion that DDL is compliant for use with MPEG-4. Therefore, Applicants respectfully assert that there is no suggestion to

combine the teachings of Basso and ISO/IEC as suggested by the Examiner, as the teaching of Basso teaches away from the combination with ISO/IEC.

Applicants respectfully assert that nowhere does the combination of Basso, Huang and ISO/IEC teach, disclose or suggest the present invention as recited in amended independent Claim 1, that this claim overcomes the rejection under 35 U.S.C. § 103(a), and that this claim is thus in condition for allowance. Therefore, Applicants respectfully submit that the combination of Basso, Huang and ISO/IEC also does not teach or suggest the additional claimed features of the present invention as recited in Claims 4, 5 and 8 that are dependent on allowable base Claim 1. Applicants respectfully submit that Claims 4, 5 and 8 overcome the rejection under 35 U.S.C. § 103(a) as these claims are dependent on an allowable base claim.

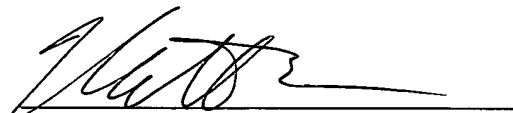
CONCLUSION

Based on the arguments presented above, Applicants respectfully assert that Claims 1-28 overcome the rejections of record and, therefore, Applicants respectfully solicit allowance of these Claims.

The Examiner is invited to contact Applicants' undersigned representative if the Examiner believes such action would expedite resolution of the present Application.

Respectfully submitted,
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